

STATE OF NEW JERSEY
Office of the Attorney General
Department of Law and Public Safety
Division of Gaming Enforcement

Application of Margaritaville of Atlantic City, LLC)
d/b/a Jimmy Buffett's Margaritaville Café,)
Landshark Bar & Grill, and 5 O'Clock Somewhere)
Bar for a Casino Hotel Alcoholic Beverage License)

ORDER
(Interim CHAB Authorization)
3333-01-097-001

By its Application, Margaritaville of Atlantic City, LLC ("Margaritaville AC") d/b/a Jimmy Buffett's Margaritaville Café ("Margaritaville Café"), Landshark Bar & Grill ("Landshark Bar"), and 5 O'Clock Somewhere Bar ("5 O'Clock Bar"), VRF #86023, Log # 360-50, seeks to obtain from the Division of Gaming Enforcement ("Division") a Casino Hotel Alcoholic Beverage ("CHAB") license as required to operate within the casino hotel facility of DGMB Casino, LLC d/b/a Resorts Casino Hotel ("Resorts") at three (3) venues: Margaritaville Café, Landshark Bar, and 5 O'Clock Bar.

Margaritaville AC has also filed an application for a casino service industry enterprise (CSIE) license pursuant to N.J.S.A. 5:12-92a(1) (Log # 360-50). A completed CSIE application was filed with the Division on May 9, 2013 and a transactional waiver, pursuant to N.J.A.C. 13:69J-1.2B, was issued to Margaritaville AC and Resorts on May 9, 2013.

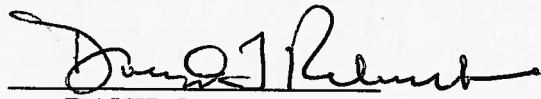
Upon review of the Application and information obtained during the Division's preliminary investigation to date, the Division has found Margaritaville AC preliminarily qualified to hold a CHAB license pending the conclusion of the Division's investigation.

Having considered the relevant provisions of the Casino Control Act, *N.J.S.A. 5:12-1 et seq.*, and pursuant to the Division's authority to issue a CHAB license under *N.J.S.A. 5:12-103(a)*, I hereby ORDER that the request be granted and that Margaritaville AC be issued an interim CHAB authorization, number 3333-01-097-001, with the following conditions:

1. Margaritaville AC is issued an interim CHAB authorization based upon the Division's preliminary review of the applicant. At any time during the completion of the Division's full review should Margaritaville AC be found by the Division to be unqualified to hold a CHAB license, the interim authorization issued to Margaritaville AC will be revoked upon that determination.
2. At the conclusion of the Division's investigation of Margaritaville AC, the Division will issue a plenary CHAB license to Margaritaville AC upon a finding that Margaritaville AC is qualified to hold a CHAB license.
3. Margaritaville AC is authorized as a Type II (hotel) CHAB location in Resorts as depicted on the architectural drawings submitted in connection with Margaritaville AC's license application. This entitles Margaritaville AC to sell alcoholic beverages by the glass or other open receptacle for on-premise consumption as well as to possess or store alcoholic beverages within its authorized bar/restaurant locations for its three (3) venues: Margaritaville Café, which venue is located on the first floor of the casino hotel adjacent to the Boardwalk entrance; Landshark Bar, which venue is located on Resorts' leased beach space directly across from Resorts' Boardwalk entrance, and 5 O'Clock Bar, which venue is located on Resorts' casino floor. Margaritaville AC is also authorized for three (3) Type V (storage) CHAB locations: one (1) outlet within the basement of Resorts as an alcoholic beverage storage area for its Margaritaville Café venue, and two (2) outlets adjacent to Resorts' casino floor as alcoholic beverage storage areas for its 5 O'Clock Bar venue.
4. The Division reserves the right to suspend, limit, condition or revoke Margaritaville AC's interim CHAB authorization or to take any other actions authorized by and pursuant to *N.J.S.A. 5:12-109* and *129* in appropriate circumstances.
5. The Division retains the right to take any and all action authorized by the Casino Control Act regarding the suitability of Margaritaville AC to transact business with Resorts including those vendors operating within that casino hotel.
6. Margaritaville AC shall not transfer any ownership interest, except between existing natural person or entity qualifiers, without first receiving prior written approval from the Division.

7. Margaritaville AC shall not enter into any management agreement, profit sharing agreement, franchise agreement or service agreement with any person or entity in connection with the operation of the premises without first receiving prior written approval from the Division.
8. Margaritaville AC shall not amend or assign its lease with Resorts without first receiving prior written approval from the Division.
9. Margaritaville AC will register with the Division, pursuant to *N.J.S.A. 5:12-91* and *N.J.A.C. 13:69A-1.1* et seq., all unregistered individuals employed by Margaritaville AC responsible for alcoholic beverages as identified on its employee listing of May 9, 2013 within ninety (90) days from the date of this Order. Margaritaville AC will obtain registrations for all such subsequently hired individuals prior to commencement of their work assignments.
10. Margaritaville AC is to comply with the provisions of *N.J.S.A. 33:1-25* and *26*, *N.J.A.C. 13:2-14.5*, as well as *N.J.A.C. 13:69I-1.5*, *2.2* and *2.3* which pertain to employment eligibility in a licensed CHAB facility.
11. Margaritaville AC is to maintain on its premises at Resorts an updated and current Employee Listing pursuant to *N.J.A.C. 13:69I-2.3(a)* and provide a copy of this listing to the Division on the first day of each calendar quarter pursuant to *N.J.A.C. 13:69I-2.3(d)*. The listing must also be available for inspection upon request by staff of the Division.
12. Margaritaville AC must obtain all necessary approvals required by other governmental agencies prior to the sale of any alcoholic beverages. Margaritaville AC is also required to update and maintain any of these approvals as appropriate.
13. Margaritaville AC will comply with all requirements attendant to Type II CHAB authorization, pursuant to *N.J.S.A. 5:12-103g(2)*, with all requirements attendant to Type V authorization, pursuant to *N.J.S.A. 5:12-103g(5)* and *N.J.A.C. 13:69I-3.5*, and with all applicable alcoholic beverage laws and regulations of the Division and, as deemed applicable, the Division of Alcoholic Beverage Control.
14. Margaritaville AC will train its employees and implement procedures to insure that the service of alcoholic beverages on its authorized premises will be only to those patrons who are over the age of 21 and who are not actually or apparently intoxicated.

Dated: May 9, 2013


DAVID L. REBUCK
DIRECTOR